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#### D. REMARKS

##### *Status of Claims*

Claims 1-3, 6-13, 16-57 remain pending in the application. Claims 1, 3, 6, 7, 11, 13, 16, 17, 21, 23-25, 29-31, 34, 39, 41-43, 46, 51, and 53-55 are amended. Claims 4, 5, 14, and 15 are canceled.

##### *35 USC § 103(a)*

##### **Claims 1-3, 6, 9-13, 16, 19-24, 27-29, 39, 41, 51, 53, and 57**

The Office Action rejects claims 1, 3, 6, 9-13, 16, 19-24, 27-29, 39, 41, 51, 53, and 57 under 35 U.S.C. §103(a) as being allegedly unpatentable over Busey. [Office Action, p. 2] The rejection is respectfully traversed.

##### Claims 1, 11, and 21

With regards to claims 1, 11, and 21, independent method claim 1, which is representative of independent system claim 11 and independent computer program product claim 21, with regard to similarly recited subject matter and rejection, reads as follows:

1. (Currently Amended) A method for caller position adjustment within a calling queue comprising:
  - receiving a call from a caller at a call center;
  - placing said call on hold in a calling queue of said call center, wherein said calling queue maintains an order in which calls are answered by representatives;
  - responsive to a selection of a position adjustment option by said caller while waiting on hold, transferring said call to a token advancement system while maintaining a record of said call that advances in said calling queue, wherein said token advancement system is accessible to a plurality of separate call centers via a network, wherein said token advancement system specifies for each of said plurality of separate call centers a separate selection of options from among a plurality of options for enabling said caller to earn an advancement token;
  - responsive to detecting, at said [a] calling queue, said [an] advancement token earned by a caller from said token advancement system, calculating a

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separate redemption value of said advancement token specifically for adjustment of position within said calling queue; and

responsive to calculating said [a] redemption value of said advancement token, adjusting a position of said caller according to said redemption value within said calling queue, such that said caller is allowed control over said position within said calling queue.

The Examiner carries the burden of proving a prima facie case of obviousness for a 103(a) rejection. In particular, in establishing a prima facie case of obviousness under 103(a), the combined prior art references must teach or suggest all the claim limitations. *In re Vaeck*, 947 F.3d 488, 20 USPQ2d 1438 (Fed Cir. 1991). In particular, in determining the differences between the prior art and the claims, the question under 35 U.S.C. 103 is not whether the differences themselves would have been obvious, but whether the claimed invention as a whole would have been obvious. *Stratoflex, Inc. v. Aeroquip Corp.*, 713 F.2d 1530, 218 USPQ 871 (Fed. Cir. 1983); *Schenck v. Nortron Corp.*, 713 F.2d 782, 218 USPQ 698 (Fed. Cir. 1983). In the first response dated 3/5/05, Appellants showed that the references do not teach or suggest, separately or in combination, detecting, at a calling queue, an advancement token earned by a caller or responsive to calculating a redemption value of said advancement token, adjusting a position of said caller according to said redemption value within said calling queue. Therefore, Applicants respectfully asserted that prima facie obviousness is not established for claims 1, 11, and 21 because at least one element of each of claims 1, 11, and 21 is not taught or suggested by Busey, separately or in combination with what would have been obvious to one with ordinary skill in the art at the time of the invention, under 35 U.S.C. §103(a). Because a prima facie case of obviousness is not established, Applicants respectfully requested that Examiner reverse the rejection of claims 1, 11, and 21 and allow the claims.

Additionally, in this supplementary response, Applicants assert that regardless of whether prima facie obviousness is established in view of Busey, Applicants amend claims 1, 11, and 21 to overcome Busey. In particular, claims 1, 11, and 21 are amended to teach receiving a call from a caller at a call center; placing said call on hold in a calling queue of said call center, wherein said calling queue maintains an order in which calls are answered by representatives; responsive to a selection of a position adjustment option by said caller while waiting on hold,

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transferring said call to a token advancement system while maintaining a record of said call that advances in said calling queue, wherein said token advancement system is accessible to a plurality of separate call centers via a network, wherein said token advancement system specifies for each of said plurality of separate call centers a separate selection of options from among a plurality of options for enabling said caller to earn an advancement token; and responsive to detecting, at said calling queue, said advancement token earned by a caller from said token advancement system, calculating a separate redemption value of said advancement token specifically for adjustment of position within said calling queue.

The specification provides support for the amended elements of receiving a call from a caller at a call center and placing said call on hold in a calling queue of said call center, wherein said calling queue maintains an order in which calls are answered by representatives on page 9, lines 4-9, page 11, lines 13-22, page 15 lines 9-12, and page 26, lines 24-25. In addition, the specification provides support for the amended elements of responsive to a selection of a position adjustment option by said caller while waiting on hold, transferring said call to a token advancement system while maintaining a record of said call that advances in said calling queue, wherein said token advancement system is accessible to a plurality of separate call centers via a network, wherein said token advancement system specifies for each of said plurality of separate call centers a separate selection of options from among a plurality of options for enabling said caller to earn an advancement token on page 12, line 15 through page 13, line 12, page 16 lines 6-14 and 24-30, page 20 line 31 through page 21, line 11, and page 26 line 25 through page 27 line 6. Further, the specification provides support for the amended elements of responsive to detecting, at said calling queue, said advancement token earned by a caller from said token advancement system, calculating a separate redemption value of said advancement token specifically for adjustment of position within said calling queue on page 13, lines 17-20.

With regard to the amended elements, Applicants respectfully submit that Busey does not teach or suggest transferring a call to a separate token advancement system while maintaining a record of the call that advances in the calling queue. Further, Busey does not teach or suggest transferring a call to a separate token advancement system that is accessible to multiple separate

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call centers via a network and that enables the caller to earn an advancement token while waiting on hold. Additionally, Busey does not teach an advancement token with different values at different call centers or a calling hold queue that calculates a separate redemption value of an advancement token specifically for adjustment in that calling hold queue. Therefore, Applicants respectfully request allowance of amended claims 1, 11, and 21 in view of the lack of obviousness in view of Busey of the original elements as asserted in the response dated 3/5/2005 and now the lack of teaching or suggestion by Busey of at least one of the amended elements in this supplementary response.

Claims 6, 9, 19, 24, and 27

Applicants continue to assert the arguments made in the response dated 3/5/05 as to the lack of prima facie obviousness established in claims 6 and 24. In addition, Applicants note that dependent claims 6 and 24 are amended in this supplemental response to reflect amendments to independent claims 1 and 21, respectively.

Claims 29, 39, 41, and 53

The Examiner rejects claims 29, 39, 41, and 53 for the same reasons as applied to claim 1. [Office Action, p. 3] Claims 29, 41, and 53, however, do not recite the same subject matter as claim 1. In particular, independent method claim 29, which is representative of independent system claim 41 and independent program product claim 53, with regard to similarly recited subject matter and rejection, reads as follows:

29. (Currently Amended) A method for earning an adjustment in a position within a call hold queue, comprising:  
     receiving, at a token advancement system, at least one call transferred from a particular call hold queue from among a plurality of separate call hold queues, wherein said token advancement system specifies a separate selection of position adjustment service options for calls received from each of said separate call hold queues;  
     enabling a caller of said at least one call to participate in at least one position adjustment service selected by said caller from among a particular selection of position adjustment service options specified for calls received from said particular call hold queue; and

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responsive to a result of said caller participation in said at least one position adjustment service, transferring a token for directing adjustment of a position of one from among said at least one call and a future call within said call hold queue.

Applicants asserted in the response dated 3/5/05 that claims 29, 39, 41, and 53 do not teach the same elements as claim 1 and that the Examiner does not specify in the rejection of claim 1 nor does Busey or what is known by one with skill in the art at the time of the invention teach or suggest enabling a caller of said at least one call to participate in at least one position adjustment service or responsive to a result of said caller participation in said at least one position adjustment service, transferring a token for directing adjustment of a position of one from among said at least one call and a future call within said call hold queue.

Additionally, regardless of whether prima facie obviousness is established in view of Busey, Applicants amend claims 29, 41, and 53 in this supplementary response to overcome Busey. In particular, claims 29, 41, and 53 are amended to teach receiving, at a token advancement system, at least one call transferred from a particular call hold queue from among a plurality of separate call hold queues, wherein said token advancement system specifies a separate selection of position adjustment service options for calls received from each of said separate call hold queues and enabling a caller of said at least one call to participate in at least one position adjustment service selected by said caller from among a particular selection of position adjustment service options specified for calls received from said particular call hold queue.

The specification teaches a token advancement system that specifies a separate selection of position adjustment service options for calls received from each of said separate call hold queues and enabling a caller to participate in at least one position adjustment service selected by said caller from among a particular selection of adjustment service options specified for calls received from said particular call hold queue at page 12, lines 24-27 and page 20, line 31 through page 21, line 11.

Thus, Applicants respectfully submit that Busey does not teach or suggest the amended elements of claims 29, 41, and 53 and therefore Applicants respectfully request allowance of  
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amended claims 29, 41, and 53 in view of the lack of obviousness in view of Busey of the original elements as asserted in the response dated 3/5/05 and the lack of teaching or suggestion by Busey of at least one of the amended elements in this supplementary response.

Claims 2, 12, and 22

Applicants continue to assert the arguments made in the response dated 3/5/05 as to the lack of prima facie obviousness established in claims 2, 12, and 22.

Claims 3, 13, 16, 23, 51, and 57

Applicants continue to assert the arguments made in the response dated 3/5/05 as to the lack of prima facie obviousness established in claims 3, 13, 16, 23, 51, and 57. In addition, Applicants note that dependent claims 3, 13, 16, 23, and 51 are amended in this supplemental response to reflect amendments to independent claims 1, 11, 21, and 53, respectively.

Claims 10, 20, and 28

Applicants continue to assert the arguments made in the response dated 3/5/05 as to the lack of prima facie obviousness established in claims 10, 20, and 28.

Claims 4, 7, 14, 17, 25, 40 and 52

Applicants continue to assert the arguments made in the response dated 3/5/05 as to the lack of prima facie obviousness established in claims 7, 17, 25, 40, and 52. In addition, claims 4 and 14 are canceled in this supplementary response.

Claims 8, 18, and 26

Applicants continue to assert the arguments made in the response dated 3/5/05 as to the lack of prima facie obviousness established in claims 8, 18, and 26.

Claims 31-32, 34-38, 43-44, 46-50, and 54-56

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Applicants continue to assert the arguments made in the response dated 3/5/05 as to the lack of prima facie obviousness established in claims 31-32, 34-38, 43-44, 46-50, and 54-56. In addition, regardless of whether prima facie obviousness was established, Applicants note that claims 31, 34, 43, 46, 54, and 55 are amended to overcome Busey. In particular, claims 31, 43, and 54 are amended to include the element of creating said token indicating said win or lose for directing adjustment of said position which is supported in the specification at page 21, lines 21-27. Claims 34, 46, and 55 are amended to include the element of creating said token indicating a position adjustment promised for participation in said survey which is supported in the specification at page 23, lines 13-19. Applicants respectfully submit that Busey does not teach or suggest the amended elements of claims 31, 34, 43, 46, 54, and 55 and therefore Applicants respectfully request allowance of amended claims 31, 34, 43, 46, 54, and 55 in view of the lack of obviousness in view of Busey of the original elements as asserted in the response dated 3/5/05 and the lack of teaching or suggestion by Busey of at least one of the amended elements in this supplementary response.

**Claims 5 and 15**

Claims 5 and 15 are canceled in this supplemental response.

**Claims 30 and 42**

Applicants continue to assert the arguments made in the response dated 3/5/05 as to the lack of prima facie obviousness established in claims 30 and 42. In addition, Applicants note that dependent claims 30 and 42 are amended in this supplemental response to reflect amendments to independent claims 31 and 43, respectively.

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**Claims 33 and 45**


Applicants continue to assert the arguments made in the response dated 3/5/05 as to the lack of prima facie obviousness established in claims 33 and 45.

***Conclusion***

Applicants note the citation of pertinent prior art cited by the Examiner.

In view of the foregoing, withdrawal of the rejections and the allowance of the current pending claims is respectfully requested. If the Examiner feels that the pending claims could be allowed with minor changes, the Examiner is invited to telephone the undersigned to discuss an Examiner's Amendment.

Respectfully submitted,

 m 6/24/05

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